

REMARKS

The Office Action mailed August 28, 2002 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 13-24 were pending in the application. Claims 13, 20 and 24 have been amended, claim 21 has been cancelled and no new claims have been added. Therefore, claims 13-20, and 22-24 are pending in the application and are submitted for reconsideration by the examiner.

The specification has been amended to better conform the specification to U.S. practice. No new matter has been added.

With respect to the objection to the Information Disclosure Statement (IDS) filed on October 16, 2000, applicant submits herewith another IDS enclosing document WO 96/38814 (with English abstract), which was cited in the PCT search report enclosed with the prior IDS filed on October 16, 2000. Applicant acknowledge that the Canadian Patent No. 1172542 was erroneously submitted as an English language document corresponding to the German language document cited in PCT search report. The correct corresponding document was actually a Chinese patent document having the same number as the submitted Canadian patent document.

In the Office Action, claims 13, 20, and 24 are objected to for minor informalities. In reply, applicant has amended these claims to address the objections and submit that the pending claims are unobjectionable.

Claims 13-20, 23, and 24 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,875,450 to Reiner et al. (hereafter "Reiner") Claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Reiner. Applicant respectfully traverses these rejections for the following reasons.

The independent claims 13 and 24 recite, *inter alia*, that the portable data medium uses a *checking program* stored in the portable data medium itself to read the data transmission-specific access condition associated with particular memory area. This recited feature is not disclosed by Reiner.

Specifically, Reiner uses a controllable switching device 7 with individual switches 7a, 7b, 7c to control access to the semiconductor memory 5. In contrast, the claimed

invention provides a control program (stored in the portable data medium itself) to select the different memory areas. Therefore, the claimed invention provides the advantages that the selection between the memory areas (and the fixing of the access conditions) can be provided more flexibly and portable data medium itself can be simplified by eliminating the additional multiple switches disclosed by Reiner. Accordingly, the pending claims are believed to be patentable over the disclosure of Reiner.

In view of the foregoing, applicant believes that the application is in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Respectfully submitted,

Date November 27, 2002

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Attached: Attachments A & B

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.



ATTACHMENT A

Marked up version of specification changes made in the Amendment filed

November 28, 2002

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Page 1, before the first paragraph (line 5), please add the following subtitle:

--Background of the Invention--.

Page 2, before the first full paragraph (line 6), please add the following subtitle:

--Brief Summary of the Invention--.

Page 5, after line 13, please add the following subtitle and new paragraphs:

--Brief Description of the Drawings

The present invention will be described in further detail with reference to the accompanying drawings, in which:

Figure 1, is an illustration of the portable data medium according to one aspect of the present invention;

Figure 2, is an illustration of the semiconductor module containing microprocessor, memory and antenna interface;

Figure 3(a), is an illustration of the data input/data output unit operating in contacted fashion; and

Figure 3(b), is an illustration of the data input/data output operating in contactless fashion.

Detailed Description of the Invention--.

Page 11, after line 5, please insert the following paragraph:

--The foregoing description of a preferred embodiment of the invention has been presented for purposes of illustration and description. It is not intended to be exhaustive or to limit the invention to the precise form disclosed, and modifications and variations are possible in light of the above teachings or may be acquired for practice of the invention. The

embodiment was chosen and described in order to explain the principles of the invention and its practical application to enable one skilled in the art to utilize the invention in various embodiments and with various modifications as are suited to the particular use contemplated. It is intended that the scope of the invention be defined by the claims appended hereto, and their equivalents.--



ATTACHMENT B

**Marked up version showing claim changes made in the Amendment filed
November 28, 2002**

13. (Amended) A portable microprocessor-assisted data medium able to be operated in both contacted and contactless fashion, comprising:

a structure for carrying out [an] a contacted mode, in which the portable data medium and a first type data input/data output unit transmit data to each other in a contacted fashion;

a structure for carrying out [an] a contactless mode, in which [said] the portable data medium and [the] a second type data input/data output unit transmit data to each other in a contactless fashion; and

wherein said portable data medium has at least one memory divided into various memory areas, such that said portable data medium stores at least one access condition for at least one memory area, said access condition defines the condition under which access to said one memory area is permitted, [also,] and wherein said portable data medium stores at least one data transmission-specific access condition for [at least] said one memory area, said data transmission specific access condition defines the basis of the type of data transmission between the portable data medium and [a] the data input/data output [unit] units and the condition under which access to [this] said one [particular] memory area is permitted,

wherein the portable data medium is designed such that the data transmission-specific access condition can be input into a freely programmable nonvolatile memory in the portable data medium by authorized agencies using an item of secret information.

wherein the portable data medium is designed to carry out data transmission between the portable microprocessor-assisted data medium and either or both of the first type data input/data output unit operating in a contacted fashion and the second type data input/data output unit operating in a contactless fashion.

wherein, before said one memory area is accessed by an access command transmitted by the data input/data output units, the portable data medium itself uses a checking program stored in the portable data medium to read the data transmission-specific access condition

associated with said one memory area and to check, on the basis of the data transmission-specific access condition, whether access by the access command is permitted for a particular type of a current data transmission, and

wherein the access command is executed only if the result of the check is that access by the access command is permitted.

20. (Amended) The portable microprocessor-assisted data medium as defined in claim 13, wherein, for at least one memory area and for at least one access type, one data transmission-specific access condition is provided for the contacted mode and one data transmission-specific access condition is provided for the [contactless] contactless mode.

24. (Amended) A method for carrying out communication between a portable microprocessor-assisted data medium and a data input/data output unit operating in contacted fashion or a data input/data output unit operating in contactless fashion, comprising the steps of:

dividing at least one memory contained in the portable data medium, into various memory areas;

storing in one of said memory areas contained in said portable data medium at least one data transmission-specific access condition, said access condition defining the condition under which access to said [various] one of said memory areas is permitted and determining access to [a particular] said one of said [various] memory areas based on [the] a type of data transmission between the portable data medium and the data input/data output [unit] units; and

checking by the portable data medium using a checking program stored in the portable data medium to determine, before [the particular] said one of said [various one of said various] memory areas is accessed [(an) by an access command transmitted by one of the data input/data output units [unit is executed)], whether, in consideration of the data transmission-specific access condition, the [desired] access command is permitted given [the] a particular current type of data transmission[.]; and

executing the access command only if the result of the check is that access by the access command is permitted.